

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

The written comment deadline is September 27, 2006, unless otherwise listed.

Temp & Prop indicates the rule is both temporary and proposed.

**** Indicates that a public hearing has been scheduled.**

IDAPA 02 -- DEPARTMENT OF AGRICULTURE

P.O. Box 790, Boise, ID 83701

02-0209-0501, *Rules Requiring the Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets.* Updates and clarifies current requirements and lists specific exotic pests of concern to the Idaho Potato Industry for which a zero tolerance will be specified.

****02-0427-0601, *Rules Governing Deleterious Exotic Animals.*** (Temp & Prop) Authorizes the disposition of deleterious exotic animals that are being held without the required permits.

IDAPA 09 -- DEPARTMENT OF COMMERCE AND LABOR

317 W. Main Street, Boise, ID 83735

09-0103-0601, *Unemployment Insurance Benefits Administration Rules.* Claimant will be ineligible for benefits effective the week his accumulated missed wages exceed ½ of the weekly benefit amount if ill more than 1 week; separation information will be provided by employer rather than mailed when contacted by a Dept representative; professional athletes who are between seasons can't use their base period wages for services as athletes to establish a claim for benefits if contracted for the next season or intending to participate in the sport the next season even without a formal offer of employment.

09-0135-0601, *Unemployment Insurance Tax Administration Rules.* Requires employers to file a quarterly report even when zero wages paid; clarifies that each covered employer's UI tax report shall be reported under the covered employer's account number; defines "willfully"; replaces mandatory language to allow the Dept to consider any or all of the enumerated factors in determining a worker's status; eliminates duplication within the PEO rule; further clarifies quarterly reporting requirements.

09-0201-0601, *Idaho Community Development Block Grant Program.* (Temp & Prop) Clarifies or changes terminology and grant application requirements and deletes references that do not comply with federal HUD program regulations.

09-0203-0601, *Rules of the Idaho Regional Travel and Convention Grant Program.* Standardizes and clarifies documentation of grant costs for Familiarization Tours; eliminates fulfillment documentation requirements by allowing 10% of the total grant award to be used for fulfillment costs; raises amount of total project costs to \$20,000 before grantees must utilize a formal bid process for purchases or services or to secure a vendor; and eliminates the requirement of an in-kind match as a part of the grant process.

IDAPA 10 -- BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS**5535 W. Overland Rd, Boise, ID 83705-2728**

10-0101-0601, Rules of Procedure. Specifies the core technical curriculum an applicant who has a degree in a related science but not in surveying needs for assignment to the examination for certification as a professional surveyor.

IDAPA 11 -- IDAHO STATE POLICE**P.O. Box 700, Meridian, ID 83680-0700**

11.04.01 - Rules Governing Horse Racing (Idaho State Racing Commission).

11-0401-0603, (Temp & Prop) Allows for bicarbonate testing in racing horses to be uniform with surrounding jurisdictions.

11-0401-0604, (Temp & Prop) Provides that horses may carry more than 7 pounds overweight with the permission of the stewards at fair circuit racetracks.

IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE**PO Box 83720, Boise, ID 83720-0036**

16-0215-0601, Immunization Requirements for Idaho School Children. Changes made to develop requirements for an immunization program that meet physician, school and public health priorities of protecting children.

16-0414-0601, Rules Governing Low Income Home Energy Assistance Program. (Temp & Prop). Removes requirement for energy conservation education and audit as a condition of participation; incorporates by reference the LIIHEAP Intake Manual; targets for services households with children under 6 and individuals over 60 years of age, and individuals with disabilities.

16-0604-0601, Rules for Statewide and Regional Interdepartmental Substance Abuse Coordinating Committees. Chapter repeal.

IDAPA 18 -- DEPARTMENT OF INSURANCE**PO Box 83720, Boise, ID 83720-0043**

18-0174-0601, Coordination of Benefits. Makes rules consistent with model regulations of the National Association of Insurance Commissioners (NAIC) by clarifying which types of plans are allowed to coordinate benefit payments and how coordination is to be applied among plans.

IDAPA 21 -- DIVISION OF VETERANS SERVICES**320 Collins Rd., Boise, ID 83702**

21-0105-0601, Rules Governing Medical Transportation Payment for Wheelchair Confined Veterans. Allows for direct reimbursement to wheelchair confined veterans who use private providers for transportation to medical appointments.

IDAPA 23 -- IDAHO BOARD OF NURSING**PO Box 83720, Boise, ID 83720-0061**

23-0101-0601, Rules of the Idaho Board of Nursing. Clarifies definitions and various licensing procedures; adds failure to cooperate with authorities and engaging in a pattern of poor practice as grounds for discipline; revises the limited license provision categories and requirements; explains summary suspension provisions; describes peer review process required of the advanced practice nurses; establishes titles for graduate APPNs; and relocates an existing records verification fee.

IDAPA 25 -- OUTFITTERS AND GUIDES LICENSING BOARD**1365 North Orchard, Suite 172, Boise, ID 83706**

25-0101-0602, Rules of the Outfitters and Guides Licensing Board. Removes language that restricts the Board from scheduling meetings at times other than those specified in rule.

IDAPA 27 -- BOARD OF PHARMACY**PO Box 83720, Boise, ID 83720-0067**

27-0101-0603, Rules of the Idaho State Board of Pharmacy. (Temp & Prop) Specifies the positive identification information that pharmacies must keep when dispensing controlled substance prescription drugs directly to individuals at the pharmacy and sets out the standards to be met by the pharmacies for retrieval of the positive identification information.

**IDAPA 33 -- IDAHO REAL ESTATE COMMISSION
PO Box 83720, Boise, ID 83720**

33-0101-0601, Rules of the Idaho Real Estate Commission. Reduces individual licensing fee by \$20 per bi-annual licensing period.

**IDAPA 35 -- IDAHO STATE TAX COMMISSION
PO Box 36, Boise, ID 83722-0410**

35.01.03, Property Tax Administrative Rules.

35-0103-0606 -- Implements HB 421 and the procedures to index the homeowner's exemption each year.

35-0103-0607 -- Numerous changes implement recent statutory changes effecting the homeowner's exemption, fire district reporting, occupancy taxes and exemptions, payment date for recapture of qualified investment exemption, and specifies various information that assessors must provide to the commission; identifies 5 primary categories simplifying the equalization of values by county; describes secondary categories that assessors will use to notify property owners of the values being assessed on land, improvements, and other property; provides formula for calculation of the 5-year average farm credit system interest rate; provides for county assessors and county auditors to submit the property tax reduction data electronically as well as hard copy; provides for county treasurers to mail property tax bills with zero balance due to property tax reduction applicants; and clarifies exemptions from yield tax and categories for land used to grow Christmas trees and other annual forest crops.

**IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT
PO Box 7129, Boise ID 83707-1129**

39-0207-0601, Rules Governing Titling of Salvage, Specially Constructed, and Reconstructed Motor Vehicles. (Temp & Prop) Changes implement HB 727 that mandates that all vehicles declared a total loss enter the salvage program and be issued a salvage certificate of ownership; establishes criteria to require a branded certificate for repaired or reconstructed vehicles, and includes a requirement for dealers to disclose title brands to purchasers.

39-0224-0601, Rules Governing "Gray Market" Vehicle Registration and Titling. (Temp & Prop) Enables department to require sufficient ownership documentation prior to titling to prevent titling of potentially stolen vehicles.

39-0321-0601, Rules Governing Special Permit Fees. Increases issued permit fees by \$15 to cover administrative costs associated with permit processing, issuance and enforcement.

39-0343-0601, Rules Governing Utilities on State Highway Right-of-Way. (Temp & Prop) Updates website and district office addresses referenced in the rule.

**IDAPA 58 -- DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, ID 83706-1255**

****58-0101-0303, Rules for the Control of Air Pollution in Idaho.** In order for the state to maintain primacy for the Title V program, permit fees are being increased for the sources subject to Title V to cover the costs of administering the program. Comment by: 10/10/06.

****58-0101-0602, Rules for the Control of Air Pollution in Idaho.** Updates the incorporation by reference section of the rule to ensure consistency with the federal regulations and specifically exempts certain federal regulations from incorporation by reference. Comment by: 10/10/06.

58-0102-0601, Water Quality Standards. Adds new beneficial use and associated criteria for streams that are unable to support viable fish populations; expands the applicability of low flow exclusions to all waters of the state and allow for more flexibility in determining what constitutes an extreme low flow condition. Comment by: 10/6/06.

Please refer to the Idaho Administrative Bulletin, **September 6, 2006, Volume 06-9** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

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